

**32B-6-101. Title.**

This chapter is known as the "Specific Retail License Act."

Enacted by Chapter 276, 2010 General Session

**32B-6-102. Definitions.**

Reserved

Amended by Chapter 334, 2011 General Session

**32B-6-201. Title.**

This part is known as "Full-service Restaurant License."

Enacted by Chapter 276, 2010 General Session

**32B-6-202. Definitions.**

As used in this part:

(1) (a) "Grandfathered bar structure" means a bar structure in a licensed premises of a full-service restaurant licensee that:

(i) as of May 11, 2009, has:

(A) patron seating at the bar structure;

(B) a partition at one or more locations on the bar structure that is along:

(I) the width of the bar structure; or

(II) the length of the bar structure; and

(C) facilities for the dispensing or storage of an alcoholic product:

(I) on the portion of the bar structure that is separated by the partition described in Subsection (1)(a)(i)(B); or

(II) if the partition as described in Subsection (1)(a)(i)(B)(II) is adjacent to the bar structure in a manner visible to a patron sitting at the bar structure;

(ii) is not operational as of May 12, 2009, if:

(A) a person applying for a full-service restaurant license:

(I) has as of May 12, 2009, a building permit to construct the restaurant;

(II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as defined by rule made by the commission; and

(III) is issued the full-service restaurant license by no later than December 31, 2009; and

(B) once constructed, the licensed premises has a bar structure described in Subsection (1)(a)(i);

(iii) as of May 12, 2009, has no patron seating at the bar structure; or

(iv) is not operational as of May 12, 2009, if:

(A) a person applying for a full-service restaurant license:

(I) has as of May 12, 2009, a building permit to construct the restaurant;

(II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as defined by rule made by the commission; and

(III) is issued a full-service restaurant license by no later than December 31, 2009; and

(B) once constructed, the licensed premises has a bar structure with no patron seating.

(b) "Grandfathered bar structure" does not include a grandfathered bar structure described in Subsection (1)(a) on or after the day on which a restaurant remodels the grandfathered bar structure, as defined by rule made by the commission.

(c) Subject to Subsection (1)(b), a grandfathered bar structure remains a grandfathered bar structure notwithstanding whether a restaurant undergoes a change of ownership.

(2) "Seating grandfathered bar structure" means:

(a) a grandfathered bar structure described in Subsection (1)(a)(i) or (ii); or

(b) a bar structure grandfathered under Section 32B-6-409.

Amended by Chapter 334, 2011 General Session

**32B-6-203. Commission's power to issue full-service restaurant license.**

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on its premises as a full-service restaurant, the person shall first obtain a full-service restaurant license from the commission in accordance with this part.

(2) The commission may issue a full-service restaurant license to establish full-service restaurant licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated as a full-service restaurant.

(3) Subject to Section 32B-1-201:

(a) The commission may not issue a total number of full-service restaurant licenses that at any time exceeds the number determined by dividing the population of the state by 4,534.

(b) The commission may issue a seasonal full-service restaurant license in accordance with Section 32B-5-206.

(c) (i) If the location, design, and construction of a hotel may require more than one full-service restaurant sales location within the hotel to serve the public convenience, the commission may authorize the sale, offer for sale, or furnishing of an alcoholic product at as many as three full-service restaurant locations within the hotel under one full-service restaurant license if:

(A) the hotel has a minimum of 150 guest rooms; and

(B) the locations under the full-service restaurant license are:

(I) within the same hotel; and

(II) on premises that are managed or operated, and owned or leased, by the full-service restaurant licensee.

(ii) A facility other than a hotel shall have a separate full-service restaurant license for each full-service restaurant where an alcoholic product is sold, offered for sale, or furnished.

(4) (a) Except as provided in Subsection (4)(b), the commission may not issue a full-service restaurant license for premises that do not meet the proximity requirements of Section 32B-1-202.

(b) With respect to the premises of a full-service restaurant license issued by the

commission that undergoes a change of ownership, the commission shall waive or vary the proximity requirements of Subsection 32B-1-202(2) in considering whether to issue a full-service restaurant license to the new owner of the premises if:

(i) when a full-service restaurant license was issued to a previous owner, the premises met the proximity requirements of Subsection 32B-1-202(2);

(ii) the premises has had a full-service restaurant license at all times since the full-service restaurant license described in Subsection (4)(b)(i) was issued without a variance; and

(iii) the community location was located within the proximity requirements of Subsection 32B-1-202(2) after the day on which the full-service restaurant license described in Subsection (4)(b)(i) was issued.

Amended by Chapter 1, 2012 Special Session 4

**32B-6-204. Specific licensing requirements for full-service restaurant license.**

(1) To obtain a full-service restaurant license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.

(2) (a) A full-service restaurant license expires on October 31 of each year.

(b) To renew a person's full-service restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(3) (a) The nonrefundable application fee for a full-service restaurant license is \$330.

(b) The initial license fee for a full-service restaurant license is \$2,200.

(c) The renewal fee for a full-service restaurant license is in the following amount:

Gross Cost of Liquor in Previous License Year for the Licensee	Renewal Fee
under \$5,000	\$935
equals or exceeds \$5,000 but less than \$10,000	\$1,155
equals or exceeds \$10,000 but less than \$25,000	\$1,650
equals or exceeds \$25,000	\$1,925

(4) The bond amount required for a full-service restaurant license is the penal sum of \$10,000.

Amended by Chapter 1, 2012 Special Session 4

**32B-6-205. Specific operational requirements for a full-service restaurant license.**

(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a full-service restaurant licensee and staff of the full-service restaurant licensee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary

action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- (i) a full-service restaurant licensee;
- (ii) individual staff of a full-service restaurant licensee; or
- (iii) both a full-service restaurant licensee and staff of the full-service restaurant licensee.

(2) In addition to complying with Subsection 32B-5-301(3), a full-service restaurant licensee shall display in a prominent place in the restaurant a list of the types and brand names of liquor being furnished through the full-service restaurant licensee's calibrated metered dispensing system.

(3) In addition to complying with Section 32B-5-303, a full-service restaurant licensee shall store an alcoholic product in a storage area described in Subsection (12)(a).

(4) (a) An individual who serves an alcoholic product in a full-service restaurant licensee's premises shall make a written beverage tab for each table or group that orders or consumes an alcoholic product on the premises.

(b) A beverage tab required by this Subsection (4) shall list the type and amount of an alcoholic product ordered or consumed.

(5) A person's willingness to serve an alcoholic product may not be made a condition of employment as a server with a full-service restaurant licensee.

(6) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish liquor at the licensed premises on any day during the period that:

- (i) begins at midnight; and
- (ii) ends at 11:29 a.m.

(b) A full-service restaurant licensee may sell, offer for sale, or furnish beer during the hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer, except that a full-service restaurant licensee may not sell, offer for sale, or furnish beer before 11:30 a.m. on any day.

(7) A full-service restaurant licensee shall maintain at least 70% of its total restaurant business from the sale of food, which does not include:

- (a) mix for an alcoholic product; or
- (b) a service charge.

(8) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an alcoholic product except after the full-service restaurant licensee confirms that the patron has the intent to order food prepared, sold, and furnished at the licensed premises.

(b) A full-service restaurant licensee shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.

(9) (a) Subject to the other provisions of this Subsection (9), a patron may not have more than two alcoholic products of any kind at a time before the patron.

(b) A patron may not have more than one spirituous liquor drink at a time before the patron.

(c) An individual portion of wine is considered to be one alcoholic product under Subsection (9)(a).

(10) A patron may consume an alcoholic product only:

- (a) at:
  - (i) the patron's table;

- (ii) a counter; or
- (iii) a seating grandfathered bar structure; and
- (b) where food is served.

(11) (a) A full-service restaurant licensee may not sell, offer for sale, or furnish an alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar structure that is not a seating grandfathered bar structure.

(b) At a seating grandfathered bar structure a patron who is 21 years of age or older may:

- (i) sit;
- (ii) be furnished an alcoholic product; and
- (iii) consume an alcoholic product.

(c) Except as provided in Subsection (11)(d), at a seating grandfathered bar structure a full-service restaurant licensee may not permit a minor to, and a minor may not:

- (i) sit; or
- (ii) consume food or beverages.

(d) (i) A minor may be at a seating grandfathered bar structure if the minor is employed by a full-service restaurant licensee:

(A) as provided in Subsection 32B-5-308(2); or

(B) to perform maintenance and cleaning services during an hour when the full-service restaurant licensee is not open for business.

(ii) A minor may momentarily pass by a seating grandfathered bar structure without remaining or sitting at the bar structure en route to an area of a full-service restaurant licensee's premises in which the minor is permitted to be.

(12) Except as provided in Subsection 32B-5-307(3), a full-service restaurant licensee may dispense an alcoholic product only if:

(a) the alcoholic product is dispensed from:

(i) a grandfathered bar structure;

(ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at the grandfathered bar structure if that area is used to dispense an alcoholic product as of May 12, 2009; or

(iii) an area that is:

(A) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the storage or dispensing of an alcoholic product are:

(I) not readily visible to a patron; and

(II) not accessible by a patron; and

(B) apart from an area used:

(I) for dining;

(II) for staging; or

(III) as a lobby or waiting area;

(b) the full-service restaurant licensee uses an alcoholic product that is:

(i) stored in an area described in Subsection (12)(a); or

(ii) in an area not described in Subsection (12)(a) on the licensed premises and:

(A) immediately before the alcoholic product is dispensed it is in an unopened container;

(B) the unopened container is taken to an area described in Subsection (12)(a) before it is opened; and

(C) once opened, the container is stored in an area described in Subsection (12)(a); and

(c) any instrument or equipment used to dispense alcoholic product is located in an area described in Subsection (12)(a).

(13) A full-service restaurant licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, service, or consumption of liquor including:

- (a) a set-up charge;
- (b) a service charge; or
- (c) a chilling fee.

Amended by Chapter 353, 2013 General Session

**32B-6-205.1. Credit for grandfathered bar structures of full-service restaurant licensee.**

(1) A full-service restaurant licensee that has a grandfathered bar structure may receive a credit for purchases from a state store or package agency if:

(a) the full-service restaurant licensee completes a remodel of the grandfathered bar structure by no later than December 31, 2011;

(b) the remodeling described in Subsection (1)(a) results in the full-service restaurant licensee engaging in an activity described in Subsection 32B-6-205(12) only in an area described in Subsection 32B-6-205(12)(a)(iii);

(c) the full-service restaurant licensee requests the credit by no later than April 1, 2012;

(d) the department determines that the full-service restaurant licensee has completed a remodel described in Subsections (1)(a) and (b); and

(e) the department authorizes the credit, including the amount of the credit under Subsection (2), on the basis that:

(i) the full-service restaurant licensee complied with this section; and

(ii) the aggregate of credits authorized under this section and Section 32B-6-305.1 before the current authorization does not exceed the amount described in Subsection (5)(a).

(2) The amount of the credit described in this section is the lesser of:

(a) the actual costs of the remodel as evidenced by receipts, copies of which are submitted to the department as part of the request for the credit; or

(b) \$30,000.

(3) For a full-service restaurant licensee, a credit under this section:

(a) begins on the day on which the department authorizes the credit under Subsection (1); and

(b) ends the day on which the full-service restaurant licensee uses all of the credit.

(4) The department shall by contract provide for how a package agency accounts for a credit purchase made at the package agency by a full-service restaurant licensee under this section.

(5) (a) Notwithstanding the other provisions of this section, the department may not authorize a credit if the aggregate of credits authorized under this section and Section 32B-6-305.1 before the department authorizes the credit exceeds:

(i) \$1,000,000, for the aggregate of credits under this section and Section 32B-6-305.1, if the credit could be used on or before June 30, 2010; and

(ii) subject to Subsection (5)(a)(i), \$1,090,000 for the aggregate of all credits that can be authorized under this section and Section 32B-6-305.1.

(b) The department shall authorize credits in the order that the department receives a request described in Subsection (1)(c) from a full-service restaurant licensee requesting a credit under this section.

Enacted by Chapter 276, 2010 General Session

**32B-6-206. Master full-service restaurant license.**

(1) (a) The commission may issue a master full-service restaurant license that authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on premises at multiple locations as full-service restaurants if the person applying for the master full-service restaurant license:

(i) owns each of the full-service restaurants;

(ii) except for the fee requirements, establishes to the satisfaction of the commission that each location of a full-service restaurant under the master full-service restaurant license separately meets the requirements of this part; and

(iii) the master full-service restaurant license includes at least five full-service restaurant locations.

(b) The person seeking a master full-service restaurant license shall designate which full-service restaurant locations the person seeks to have under the master full-service restaurant license.

(c) A full-service restaurant location under a master full-service restaurant license is considered separately licensed for purposes of this title, except as provided in this section.

(2) A master full-service restaurant license and each location designated under Subsection (1) are considered a single full-service restaurant license for purposes of Subsection 32B-6-203(3)(a).

(3) (a) A master full-service restaurant license expires on October 31 of each year.

(b) To renew a person's full-service restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(4) (a) The nonrefundable application fee for a master full-service restaurant license is \$330.

(b) The initial license fee for a master full-service restaurant license is \$10,000 plus a separate initial license fee for each newly licensed full-service restaurant license under the master full-service restaurant license determined in accordance with Subsection 32B-6-204(3)(b).

(c) The renewal fee for a master full-service restaurant license is \$1,000 plus a separate renewal fee for each full-service license under the master full-service

restaurant license determined in accordance with Subsection 32B-6-204(3)(c).

(5) A new location may be added to a master full-service restaurant license after the master full-service restaurant license is issued if:

(a) the master full-service restaurant licensee pays a nonrefundable application fee of \$330; and

(b) including payment of the initial license fee, the location separately meets the requirements of this part.

(6) (a) A master full-service restaurant licensee shall notify the department of a change in the persons managing a location covered by a master full-service restaurant license:

(i) immediately, if the management personnel is not management personnel at a location covered by the master full-service restaurant licensee at the time of the change; or

(ii) within 30 days of the change, if the master full-service restaurant licensee is transferring management personnel from one location to another location covered by the master full-service restaurant licensee.

(b) A location covered by a master full-service restaurant license shall keep its own records on its premises so that the department may audit the records.

(c) A master full-service restaurant licensee may not transfer alcoholic products between different locations covered by the master full-service restaurant license.

(7) (a) If there is a violation of this title at a location covered by a master full-service restaurant license, the violation may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) the single location under a master full-service restaurant license;

(ii) individual staff of the location under the master full-service restaurant license;

or

(iii) a combination of persons or locations described in Subsections (7)(a)(i) and (ii).

(b) In addition to disciplinary action under Subsection (7)(a), disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, may be taken against a master full-service restaurant licensee or individual staff of the master full-service restaurant licensee if during a period beginning on November 1 and ending October 31:

(i) at least 25% of the locations covered by the master full-service restaurant license have been found by the commission to have committed a serious or grave violation of this title, as defined by rule made by the commission; or

(ii) at least 50% of the locations covered by the master full-service restaurant license have been found by the commission to have violated this title.

(8) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish how a person may apply for a master full-service restaurant license under this section.

Enacted by Chapter 349, 2013 General Session

**32B-6-301. Title.**

This part is known as "Limited-service Restaurant License."



Enacted by Chapter 276, 2010 General Session

**32B-6-302. Definitions.**

As used in this part:

(1) (a) "Grandfathered bar structure" means a bar structure in a licensed premises of a limited-service restaurant licensee that:

(i) as of May 11, 2009, has:

(A) patron seating at the bar structure;

(B) a partition at one or more locations on the bar structure that is along:

(I) the width of the bar structure; or

(II) the length of the bar structure; and

(C) facilities for the dispensing or storage of an alcoholic product:

(I) on the portion of the bar structure that is separated by the partition described in Subsection (1)(a)(i)(B); or

(II) if the partition as described in Subsection (1)(a)(i)(B)(II) is adjacent to the bar structure in a manner visible to a patron sitting at the bar structure;

(ii) is not operational as of May 12, 2009, if:

(A) a person applying for a limited-service restaurant license:

(I) has as of May 12, 2009, a building permit to construct the restaurant;

(II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as defined by rule made by the commission; and

(III) is issued the limited-service restaurant license by no later than December 31, 2009; and

(B) once constructed, the licensed premises has a bar structure described in Subsection (1)(a)(i);

(iii) as of May 12, 2009, has no patron seating at the bar structure; or

(iv) is not operational as of May 12, 2009, if:

(A) a person applying for a limited-service restaurant license:

(I) has as of May 12, 2009, a building permit to construct the restaurant;

(II) is as of May 12, 2009, actively engaged in the construction of the restaurant, as defined by rule made by the commission; and

(III) is issued a limited-service restaurant license by no later than December 31, 2009; and

(B) once constructed, the licensed premises has a bar structure with no patron seating.

(b) "Grandfathered bar structure" does not include a grandfathered bar structure described in Subsection (1)(a) on or after the day on which a restaurant remodels the grandfathered bar structure, as defined by rule made by the commission.

(c) Subject to Subsection (1)(b), a grandfathered bar structure remains a grandfathered bar structure notwithstanding whether a restaurant undergoes a change of ownership.

(2) "Seating grandfathered bar structure" means:

(a) a grandfathered bar structure described in Subsection (1)(a)(i) or (ii); or

(b) a bar structure grandfathered under Section 32B-6-409.

(3) "Wine" includes an alcoholic beverage defined as wine under 27 U.S.C. Sec.

211 and 27 C.F.R. Sec. 4.10, including the following alcoholic beverages made in the manner of wine containing not less than 7% and not more than 24% of alcohol by volume:

- (a) sparkling and carbonated wine;
- (b) wine made from condensed grape must;
- (c) wine made from other agricultural products than the juice of sound, ripe grapes;
- (d) imitation wine;
- (e) compounds sold as wine;
- (f) vermouth;
- (g) cider;
- (h) perry; and
- (i) sake.

Amended by Chapter 334, 2011 General Session

**32B-6-303. Commission's power to issue limited-service restaurant license.**

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of wine, heavy beer, or beer on its premises as a limited-service restaurant, the person shall first obtain a limited-service restaurant license from the commission in accordance with this part.

(2) (a) The commission may issue a limited-service restaurant license to establish limited-service restaurant licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of wine, heavy beer, or beer on premises operated as a limited-service restaurant.

(b) A person may not sell, offer for sale, furnish, or allow the consumption of the following on the licensed premises of a limited-service restaurant licensee:

- (i) spirituous liquor; or
- (ii) a flavored malt beverage.

(3) Subject to Section 32B-1-201:

(a) The commission may not issue a total number of limited-service restaurant licenses that at any time exceeds the number determined by dividing the population of the state by 7,493.

(b) The commission may issue a seasonal limited-service restaurant license in accordance with Section 32B-5-206.

(c) (i) If the location, design, and construction of a hotel may require more than one limited-service restaurant sales location within the hotel to serve the public convenience, the commission may authorize the sale of wine, heavy beer, and beer at as many as three limited-service restaurant locations within the hotel under one limited-service restaurant license if:

- (A) the hotel has a minimum of 150 guest rooms; and
- (B) the locations under the limited-service restaurant license are:
  - (I) within the same hotel; and
  - (II) on premises that are managed or operated, and owned or leased, by the

limited-service restaurant licensee.

(ii) A facility other than a hotel shall have a separate limited-service restaurant license for each limited-service restaurant where wine, heavy beer, or beer is sold, offered for sale, or furnished.

(4) (a) Except as provided in Subsection (4)(b), the commission may not issue a limited-service restaurant license for premises that do not meet the proximity requirements of Section 32B-1-202.

(b) With respect to the premises of a limited-service restaurant license issued by the commission that undergoes a change of ownership, the commission shall waive or vary the proximity requirements of Subsection 32B-1-202(2) in considering whether to issue a limited-service restaurant license to the new owner of the premises if:

(i) when a limited-service restaurant license was issued to a previous owner, the premises met the proximity requirements of Subsection 32B-1-202(2);

(ii) the premises has had a limited-service restaurant license at all times since the limited-service restaurant license described in Subsection (4)(b)(i) was issued without a variance; and

(iii) the community location was located within the proximity requirements of Subsection 32B-1-202(2) after the day on which the limited-service restaurant license described in Subsection (4)(b)(i) was issued.

Amended by Chapter 1, 2012 Special Session 4

**32B-6-304. Specific licensing requirements for limited-service restaurant license.**

(1) To obtain a limited-service restaurant license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.

(2) (a) A limited-service restaurant license expires on October 31 of each year.

(b) To renew a person's limited-service restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(3) (a) The nonrefundable application fee for a limited-service restaurant license is \$330.

(b) The initial license fee for a limited-service restaurant license is \$825.

(c) The renewal fee for a limited-service restaurant license is \$605.

(4) The bond amount required for a limited-service restaurant license is the penal sum of \$5,000.

Amended by Chapter 1, 2012 Special Session 4

**32B-6-305. Specific operational requirements for a limited-service restaurant license.**

(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a limited-service restaurant licensee and staff of the limited-service restaurant licensee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- (i) a limited-service restaurant licensee;
- (ii) individual staff of a limited-service restaurant licensee; or
- (iii) both a limited-service restaurant licensee and staff of the limited-service restaurant licensee.

(2) (a) A limited-service restaurant licensee on the licensed premises may not sell, offer for sale, furnish, or allow consumption of:

- (i) spirituous liquor; or
- (ii) a flavored malt beverage.

(b) A product listed in Subsection (2)(a) may not be on the premises of a limited-service restaurant licensee except for use:

- (i) as a flavoring on a dessert; and
- (ii) in the preparation of a flaming food dish, drink, or dessert.

(3) In addition to complying with Section 32B-5-303, a limited-service restaurant licensee shall store an alcoholic product in a storage area described in Subsection (12)(a).

(4) (a) An individual who serves an alcoholic product in a limited-service restaurant licensee's premises shall make a written beverage tab for each table or group that orders or consumes an alcoholic product on the premises.

(b) A beverage tab required by this Subsection (4) shall list the type and amount of an alcoholic product ordered or consumed.

(5) A person's willingness to serve an alcoholic product may not be made a condition of employment as a server with a limited-service restaurant licensee.

(6) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish wine or heavy beer at the licensed premises on any day during the period that:

- (i) begins at midnight; and
- (ii) ends at 11:29 a.m.

(b) A limited-service restaurant licensee may sell, offer for sale, or furnish beer during the hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer, except that a limited-service restaurant licensee may not sell, offer for sale, or furnish beer before 11:30 a.m. on any day.

(7) A limited-service restaurant licensee shall maintain at least 70% of its total restaurant business from the sale of food, which does not include a service charge.

(8) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an alcoholic product except after the limited-service restaurant licensee confirms that the patron has the intent to order food prepared, sold, and furnished at the licensed premises.

(b) A limited-service restaurant licensee shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.

(9) (a) Subject to the other provisions of this Subsection (9), a patron may not have more than two alcoholic products of any kind at a time before the patron.

(b) An individual portion of wine is considered to be one alcoholic product under Subsection (9)(a).

(10) A patron may consume an alcoholic product only:

- (a) at:
  - (i) the patron's table;
  - (ii) a counter; or

- (iii) a seating grandfathered bar structure; and
- (b) where food is served.

(11) (a) A limited-service restaurant licensee may not sell, offer for sale, or furnish an alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar structure that is not a seating grandfathered bar structure.

(b) At a seating grandfathered bar structure a patron who is 21 years of age or older may:

- (i) sit;
- (ii) be furnished an alcoholic product; and
- (iii) consume an alcoholic product.

(c) Except as provided in Subsection (11)(d), at a seating grandfathered bar structure a limited-service restaurant licensee may not permit a minor to, and a minor may not:

- (i) sit; or
- (ii) consume food or beverages.

(d) (i) A minor may be at a seating grandfathered bar structure if the minor is employed by a limited-service restaurant licensee:

(A) as provided in Subsection 32B-5-308(2); or

(B) to perform maintenance and cleaning services during an hour when the limited-service restaurant licensee is not open for business.

(ii) A minor may momentarily pass by a seating grandfathered bar structure without remaining or sitting at the bar structure en route to an area of a limited-service restaurant licensee's premises in which the minor is permitted to be.

(12) Except as provided in Subsection 32B-5-307(3), a limited-service restaurant licensee may dispense an alcoholic product only if:

(a) the alcoholic product is dispensed from:

- (i) a grandfathered bar structure;
- (ii) an area adjacent to a grandfathered bar structure that is visible to a patron sitting at the grandfathered bar structure if that area is used to dispense an alcoholic product as of May 12, 2009; or

(iii) an area that is:

(A) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the storage or dispensing of an alcoholic product are:

- (I) not readily visible to a patron; and
- (II) not accessible by a patron; and
- (B) apart from an area used:
  - (I) for dining;
  - (II) for staging; or
  - (III) as a lobby or waiting area;

(b) the limited-service restaurant licensee uses an alcoholic product that is:

- (i) stored in an area described in Subsection (12)(a); or
- (ii) in an area not described in Subsection (12)(a) on the licensed premises and:
  - (A) immediately before the alcoholic product is dispensed it is in an unopened container;

(B) the unopened container is taken to an area described in Subsection (12)(a)

before it is opened; and

(C) once opened, the container is stored in an area described in Subsection (12)(a); and

(c) any instrument or equipment used to dispense alcoholic product is located in an area described in Subsection (12)(a).

(13) A limited-service restaurant licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, service, or consumption of wine or heavy beer including:

- (a) a set-up charge;
- (b) a service charge; or
- (c) a chilling fee.

Amended by Chapter 353, 2013 General Session

**32B-6-305.1. Credit for grandfathered bar structures for limited-service restaurant licensee.**

(1) A limited-service restaurant licensee that has a grandfathered bar structure may receive a credit for purchases from a state store or package agency if:

(a) the limited-service restaurant licensee completes a remodel of the grandfathered bar structure by no later than December 31, 2011;

(b) the remodeling described in Subsection (1)(a) results in the limited-service restaurant licensee engaging in an activity described in Subsection 32B-6-305(12) only in an area described in Subsection 32B-6-305(12)(a)(iii);

(c) the limited-service restaurant licensee requests the credit by no later than April 1, 2012;

(d) the department determines that the limited-service restaurant licensee has completed a remodel described in Subsections (1)(a) and (b); and

(e) the department authorizes the credit, including the amount of the credit under Subsection (2), on the basis that:

(i) the limited-service restaurant licensee complied with this section; and

(ii) the aggregate of credits authorized under this section and Section 32B-6-205.1 before the current authorization does not exceed the amount described in Subsection (5)(a).

(2) The amount of the credit described in this section is the lesser of:

(a) the actual costs of the remodel as evidenced by receipts, copies of which are submitted to the department as part of the request for the credit; or

(b) \$30,000.

(3) For a limited-service restaurant licensee, a credit under this section:

(a) begins on the day on which the department authorizes the credit under Subsection (1); and

(b) ends the day on which the limited-service restaurant licensee uses all of the credit.

(4) The department shall by contract provide for how a package agency accounts for a credit purchase made at the package agency by a limited-service restaurant licensee under this section.

(5) (a) Notwithstanding the other provisions of this section, the department may

not authorize a credit if the aggregate of credits authorized under this section and Section 32B-6-205.1 before the department authorizes the credit exceeds:

(i) \$1,000,000, for the aggregate of credits under this section and Section 32B-6-205.1, if the credit could be used on or before June 30, 2010; and

(ii) subject to Subsection (5)(a)(i), \$1,090,000 for the aggregate of all credits that can be authorized under this section and Section 32B-6-205.1.

(b) The department shall authorize credits in the order that the department receives a request described in Subsection (1)(c) from a limited-service restaurant licensee requesting a credit under this section.

Enacted by Chapter 276, 2010 General Session

**32B-6-306. Master limited-service restaurant license.**

(1) (a) The commission may issue a master limited-service restaurant license that authorizes a person to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on premises at multiple locations as limited-service restaurants if the person applying for the master limited-service restaurant license:

(i) owns each of the limited-service restaurants;

(ii) except for the fee requirements, establishes to the satisfaction of the commission that each location of a limited-service restaurant under the master limited-service restaurant license separately meets the requirements of this part; and

(iii) the master limited-service restaurant includes at least five limited-service restaurant locations.

(b) The person seeking a master limited-service restaurant license shall designate which limited-service restaurant locations the person seeks to have under the master limited-service restaurant license.

(c) A limited-service restaurant location under a master limited-service restaurant license is considered separately licensed for purposes of this title, except as provided in this section.

(2) A master limited-service restaurant license and each location under Subsection (1) are considered a single limited-service restaurant license for purposes of Subsection 32B-6-303(3)(a).

(3) (a) A master limited-service restaurant license expires on October 31 of each year.

(b) To renew a person's master limited-service restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(4) (a) The nonrefundable application fee for a master limited-service restaurant license is \$330.

(b) The initial license fee for a master limited-service restaurant license is \$5,000 plus a separate initial license fee for each newly licensed limited-service restaurant license under the master limited-service restaurant license determined in accordance with Subsection 32B-6-304(3)(b).

(c) The renewal fee for a master limited-service restaurant license is \$500 plus a separate renewal fee for each limited-service license under the master limited-service restaurant license determined in accordance with Subsection 32B-6-304(3)(c).

(5) A new location may be added to a master limited-service restaurant license after the master limited-service restaurant license is issued if:

(a) the master limited-service restaurant licensee pays a nonrefundable application fee of \$330; and

(b) including payment of the initial license fee, the location separately meets the requirements of this part.

(6) (a) A master limited-service restaurant licensee shall notify the department of a change in the persons managing a location covered by a master limited-service restaurant license:

(i) immediately, if the management personnel is not management personnel at a location covered by the master limited-service restaurant licensee at the time of the change; or

(ii) within 30 days of the change, if the master limited-service restaurant licensee is transferring management personnel from one location to another location covered by the master limited-service restaurant licensee.

(b) A location covered by a master limited-service restaurant license shall keep its own records on its premises so that the department may audit the records.

(c) A master limited-service restaurant licensee may not transfer alcoholic products between different locations covered by the master limited-service restaurant license.

(7) (a) If there is a violation of this title at a location covered by a master limited-service restaurant license, the violation may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) the single location under a master limited-service restaurant license;

(ii) individual staff of the location under the master limited-service restaurant license; or

(iii) a combination of persons or locations described in Subsections (7)(a)(i) and (ii).

(b) In addition to disciplinary action under Subsection (7)(a), disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, may be taken against a master limited-service restaurant licensee or individual staff of the master limited-service restaurant licensee if during a period beginning on November 1 and ending October 31:

(i) at least 25% of the locations covered by the master limited-service restaurant license have been found by the commission to have committed a serious or grave violation of this title, as defined by rule made by the commission; or

(ii) at least 50% of the locations covered by the master limited-service restaurant license have been found by the commission to have violated this title.

(8) The commission may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish how a person may apply for a master limited-service restaurant license under this section.

Enacted by Chapter 349, 2013 General Session

**32B-6-401. Title.**

This part is known as "Club License."



Enacted by Chapter 276, 2010 General Session

**32B-6-402. Definitions.**

Reserved

Enacted by Chapter 276, 2010 General Session

**32B-6-403. Commission's power to issue club license.**

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on its premises as a club licensee, the person shall first obtain a club license from the commission in accordance with this part.

(2) The commission may issue a club license to establish club licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated by a club licensee.

(3) Subject to Section 32B-1-201:

(a) The commission may not issue a total number of club licenses that at any time exceeds the number determined by dividing the population of the state by 7,850.

(b) The commission may issue a seasonal club license in accordance with Section 32B-5-206 to:

(i) a dining club licensee; or

(ii) a social club licensee.

(c) (i) If the location, design, and construction of a hotel may require more than one dining club license or social club license location within the hotel to serve the public convenience, the commission may authorize as many as three club license locations within the hotel under one club license if:

(A) the hotel has a minimum of 150 guest rooms; and

(B) all locations under the club license are:

(I) within the same hotel; and

(II) on premises that are managed or operated, and owned or leased, by the club licensee.

(ii) A facility other than a hotel shall have a separate club license for each club license location where an alcoholic product is sold, offered for sale, or furnished.

(d) When a business establishment undergoes a change of ownership, the commission may issue a club license to the new owner of the business establishment notwithstanding that there is no club license available under Subsection (3)(a) if:

(i) the primary business activity at the business establishment before and after the change of ownership is not the sale, offer for sale, or furnishing of an alcoholic product;

(ii) before the change of ownership there are two or more licensed premises on the business establishment that operate under a retail license, with at least one of the retail licenses being a club license;

(iii) subject to Subsection (3)(e), the licensed premises of the club license issued under this Subsection (3)(d) is at the same location where the club license licensed premises was located before the change of ownership; and

(iv) the person who is the new owner of the business establishment qualifies for the club license, except for there being no club license available under Subsection (3)(a).

(e) If a club licensee of a club license issued under Subsection (3)(d) requests a change of location, the club licensee may retain the club license after the change of location only if on the day on which the club licensee seeks a change of location a club license is available under Subsection (3)(a).

Amended by Chapter 2, 2011 Special Session 2

**32B-6-404. Types of club license.**

(1) To obtain an equity club license, in addition to meeting the other requirements of this part, a person shall:

(a) whether incorporated or unincorporated:

(i) be organized and operated solely for a social, recreational, patriotic, or fraternal purpose;

(ii) have members;

(iii) limit access to its licensed premises to a member or a guest of the member; and

(iv) desire to maintain premises upon which an alcoholic product may be stored, sold to, offered for sale to, furnished to, and consumed by a member or a guest of a member;

(b) own, maintain, or operate a substantial recreational facility in conjunction with a club house such as:

(i) a golf course; or

(ii) a tennis facility;

(c) have at least 50% of the total membership having:

(i) full voting rights; and

(ii) an equal share of the equity of the club; and

(d) if there is more than one class of membership, have at least one class of membership that entitles each member in that class to:

(i) full voting rights; and

(ii) an equal share of the equity of the club.

(2) To obtain a fraternal club license, in addition to meeting the other requirements of this part, a person shall:

(a) whether incorporated or unincorporated:

(i) be organized and operated solely for a social, recreational, patriotic, or fraternal purpose;

(ii) have members;

(iii) limit access to its licensed premises to a member or a guest of the member; and

(iv) desire to maintain premises upon which an alcoholic product may be stored, sold to, offered for sale to, furnished to, and consumed by a member or a guest of a member;

(b) have no capital stock;

(c) exist solely for:

- (i) the benefit of its members and their beneficiaries; and
  - (ii) a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purpose for the benefit of its members or the public, carried on through voluntary activity of its members in their local lodges;
  - (d) have a representative form of government;
  - (e) have a lodge system in which:
    - (i) there is a supreme governing body;
    - (ii) subordinate to the supreme governing body are local lodges, however designated, into which individuals are admitted as members in accordance with the laws of the fraternal;
    - (iii) the local lodges are required by the laws of the fraternal to hold regular meetings at least monthly; and
    - (iv) the local lodges regularly engage in one or more programs involving member participation to implement the purposes of Subsection (2)(c); and
  - (f) own or lease a building or space in a building used for lodge activities.
- (3) To obtain a dining club license, in addition to meeting the other requirements of this part, a person shall:
- (a) maintain at least the following percentages of its total club business from the sale of food, not including mix for alcoholic products, or service charges:
    - (i) for a dining club license that is issued an original license on or after July 1, 2011, 60%; and
    - (ii) for a dining club license that is issued on or before June 30, 2011:
      - (A) 50% on or before June 30, 2012; and
      - (B) 60% on and after July 1, 2012; and
  - (b) obtain a determination by the commission that the person will operate as a dining club licensee, as part of which the commission may consider:
    - (i) the square footage and seating capacity of the premises;
    - (ii) what portion of the square footage and seating capacity will be used for a dining area in comparison to the portion that will be used as a lounge or bar area;
    - (iii) whether full meals including appetizers, main courses, and desserts are served;
    - (iv) whether the person will maintain adequate on-premise culinary facilities to prepare full meals, except a person who is located on the premise of a hotel or resort facility may use the culinary facilities of the hotel or resort facility;
    - (v) whether the entertainment provided at the club is suitable for minors; and
    - (vi) the club management's ability to manage and operate a dining club license including:
      - (A) management experience;
      - (B) past dining club licensee or restaurant management experience; and
      - (C) the type of management scheme used by the dining club license.
- (4) To obtain a social club license, a person is required to meet the requirements of this part except those listed in Subsection (1), (2), or (3).
- (5) (a) At the time that the commission issues a club license, the commission shall designate the type of club license for which the person qualifies.
- (b) If requested by a club licensee, the commission may approve a change in the type of club license in accordance with rules made by the commission.

(6) To the extent not prohibited by law, this part does not prevent a dining club licensee or social club licensee from restricting access to the club's licensed premises on the basis of an individual:

- (a) paying a fee; or
- (b) agreeing to being on a list of individuals who have access to the club's licensed premises.

Amended by Chapter 2, 2011 Special Session 2

**32B-6-405. Specific licensing requirements for club license.**

(1) To obtain a club license, in addition to complying with Chapter 5, Part 2, Retail Licensing Process, a person shall submit with the written application:

- (a) (i) a statement as to whether the person is seeking to qualify as:
  - (A) an equity club licensee;
  - (B) a fraternal club licensee;
  - (C) a dining club licensee; or
  - (D) a social club licensee; and
- (ii) evidence that the person meets the requirements for the type of club license for which the person is applying;
- (b) evidence that the person operates club premises where a variety of food is prepared and served in connection with dining accommodations; and
- (c) if the person is applying for an equity club license or fraternal club license, a copy of the club's bylaws or house rules, and an amendment to those records.

(2) The commission may refuse to issue a club license to a person for an equity club license or fraternal club license if the commission determines that a provision of the person's bylaws or house rules, or amendments to those records is not:

- (a) reasonable; and
- (b) consistent with:
  - (i) the declared nature and purpose of the club licensee; and
  - (ii) the purposes of this part.

(3) (a) A club license expires on June 30 of each year.

(b) To renew a club license, a person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than May 31.

(4) (a) The nonrefundable application fee for a club license is \$300.

(b) The initial license fee for a club license is \$2,750.

(c) The renewal fee for a club license is \$2,000.

(5) The bond amount required for a club license is the penal sum of \$10,000.

Amended by Chapter 307, 2011 General Session

Amended by Chapter 334, 2011 General Session

**32B-6-406. Specific operational requirements for a club license.**

(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a club licensee and staff of the club licensee shall comply with this section.

- (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary

action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- (i) a club licensee;
- (ii) individual staff of a club licensee; or
- (iii) both a club licensee and staff of the club licensee.

(2) In addition to complying with Subsection 32B-5-301(3), a club licensee shall display in a prominent place in the club licensed premises a list of the types and brand names of liquor being furnished through the club licensee's calibrated metered dispensing system.

(3) (a) In addition to complying with Section 32B-5-302, a club licensee shall maintain for a minimum of three years:

- (i) a record required by Section 32B-5-302; and
- (ii) a record maintained or used by the club licensee, as the department

requires.

(b) Section 32B-1-205 applies to a record required to be made, maintained, or used in accordance with this Subsection (3).

(c) The department shall audit the records of a club licensee at least once annually.

(4) (a) A club licensee may not sell, offer for sale, or furnish liquor on the licensed premises on any day during a period that:

- (i) begins at 1 a.m.; and
- (ii) ends at 9:59 a.m.

(b) A club licensee may sell, offer for sale, or furnish beer during the hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer license.

(c) (i) Notwithstanding Subsections (4)(a) and (b), a club licensee shall keep its licensed premises open for one hour after the club licensee ceases the sale and furnishing of an alcoholic product during which time a patron of the club licensee may finish consuming:

- (A) a single drink containing spirituous liquor;
- (B) a single serving of wine not exceeding five ounces;
- (C) a single serving of heavy beer;
- (D) a single serving of beer not exceeding 26 ounces; or
- (E) a single serving of a flavored malt beverage.

(ii) A club licensee is not required to remain open:

- (A) after all patrons have vacated the premises; or
- (B) during an emergency.

(5) (a) A minor may not be admitted into, use, or be in:

(i) a lounge or bar area of the premises of:

- (A) an equity club licensee;
- (B) a fraternal club licensee; or
- (C) a dining club licensee; or

(ii) the premises of:

(A) a dining club licensee unless accompanied by an individual who is 21 years of age or older; or

(B) a social club licensee, except to the extent provided for under Section 32B-6-406.1.

(b) Notwithstanding Section 32B-5-308, a club licensee may not employ a minor to:

(i) work in a lounge or bar area of an equity club licensee, fraternal club licensee, or dining club licensee; or

(ii) handle an alcoholic product.

(c) Notwithstanding Section 32B-5-308, a minor may not be employed on the licensed premises of a social club licensee.

(d) Nothing in this part or Section 32B-5-308 precludes a local authority from being more restrictive of a minor's admittance to, use of, or presence on the licensed premises of a club licensee.

(6) A club licensee shall have food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed on the licensed premises.

(7) (a) Subject to the other provisions of this Subsection (7), a patron may not have more than two alcoholic products of any kind at a time before the patron.

(b) A patron may not have two spirituous liquor drinks before the club licensee patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous liquor drink.

(c) An individual portion of wine is considered to be one alcoholic product under Subsection (7)(a).

(8) A club licensee shall have available on the premises for a patron to review at the time that the patron requests it, a written alcoholic product price list or a menu containing the price of an alcoholic product sold, offered for sale, or furnished by the club licensee including:

(a) a set-up charge;

(b) a service charge; or

(c) a chilling fee.

(9) Subject to Section 32B-5-309, a club licensee may not temporarily rent or otherwise temporarily lease its premises to a person unless:

(a) the person to whom the club licensee rents or leases the premises agrees in writing to comply with this title as if the person is the club licensee, except for a requirement related to making or maintaining a record; and

(b) the club licensee takes reasonable steps to ensure that the person complies with this section as provided in Subsection (9)(a).

(10) If a club licensee is an equity club licensee or fraternal club licensee, the club licensee shall comply with Section 32B-6-407.

(11) If a club licensee is a dining club licensee or social club licensee, the club licensee shall comply with Section 32B-1-407.

(12) (a) A club licensee shall own or lease premises suitable for the club licensee's activities.

(b) A club licensee may not maintain licensed premises in a manner that barricades or conceals the club licensee's operation.

Amended by Chapter 334, 2011 General Session

**32B-6-406.1. Specific operational restrictions related to dance or concert hall.**

(1) A minor who is at least 18 years of age may be admitted into, use, or be on the premises of a dance or concert hall if:

(a) the dance or concert hall is located:

(i) on the licensed premises of a social club licensee; or

(ii) on the property that immediately adjoins the licensed premises of and is operated by a social club licensee; and

(b) the social club licensee holds a permit to operate a dance or concert hall that was issued on or before May 11, 2009:

(i) on the basis of the operational requirements described in Subsection (2); and

(ii) when the social club licensee was licensed as a class D private club.

(2) A social club licensee that holds a dance or concert hall permit shall operate in such a way that:

(a) the social club licensee's lounge, bar, or other area for alcoholic product consumption is:

(i) not accessible to a minor;

(ii) clearly defined; and

(iii) separated from the dance or concert hall area by one or more walls, multiple floor levels, or other substantial physical barriers;

(b) a bar or dispensing area is not visible to a minor;

(c) consumption of an alcoholic product may not occur in:

(i) the dance or concert hall area; or

(ii) an area of the social club license premises accessible to a minor;

(d) the social club licensee maintains sufficient security personnel to prevent the passing of beverages from the social club licensee's lounge, bar, or other area for alcoholic product consumption to:

(i) the dance or concert hall area; or

(ii) an area of the social club licensee premises accessible to a minor;

(e) there are one or more separate entrances, exits, and restroom facilities from the social club licensee's lounge, bar, or other area for alcoholic product consumption than for:

(i) the dance or concert hall area; or

(ii) an area accessible to a minor; and

(f) the social club licensee complies with any other requirements imposed by the commission by rule.

(3) (a) A minor under 18 years of age who is accompanied at all times by a parent or legal guardian may be admitted into, use, or be on the premises of a concert hall described in Subsection (1) if:

(i) the requirements of Subsection (2) are met; and

(ii) signage, product, and dispensing equipment containing recognition of an alcoholic product is not visible to the minor.

(b) A minor under 18 years of age but who is 14 years of age or older who is not accompanied by a parent or legal guardian may be admitted into, use, or be on the premises of a concert hall described in Subsection (1) if:

(i) the requirements of Subsections (2) and (3)(a) are met; and

(ii) there is no alcoholic product, sales, furnishing, or consumption on the premises of the social club licensee.

(4) The commission may suspend or revoke a dance or concert permit issued to a social club licensee and suspend or revoke the license of the social club licensee if:

(a) the social club licensee fails to comply with the requirements in this section;  
(b) the social club licensee sells, offers for sale, or furnishes an alcoholic product to a minor;

(c) the social club licensee or a supervisory or managerial level staff of the social club licensee is convicted under Title 58, Chapter 37, Utah Controlled Substances Act, on the basis of an activity that occurs on:

(i) the licensed premises; or  
(ii) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the social club licensee;

(d) there are three or more convictions of patrons of the social club licensee under Title 58, Chapter 37, Utah Controlled Substances Act, on the basis of activities that occur on:

(i) the licensed premises; or  
(ii) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the social club licensee;

(iii) there is more than one conviction:

(A) of:

(I) the social club licensee;

(II) staff of the social club licensee;

(III) an entertainer contracted by the social club licensee; or

(IV) a patron of the social club licensee; and

(B) made on the basis of a lewd act or lewd entertainment prohibited by this title that occurs on:

(I) the licensed premises; or  
(II) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the social club licensee; or

(e) the commission finds acts or conduct contrary to the public welfare and morals involving lewd acts or lewd entertainment prohibited by this title that occurs on:

(i) the licensed premises; or  
(ii) the dance or concert hall that is located on property that immediately adjoins the licensed premises of and is operated by the social club licensee.

(5) Nothing in this section prohibits a social club licensee from selling, offering for sale, or furnishing an alcoholic product in a dance or concert area located on the social club licensed premises on days and times when the social club licensee does not allow a minor into those areas.

Enacted by Chapter 276, 2010 General Session

**32B-6-407. Specific operational requirements for equity club license or fraternal club license.**

(1) For purposes of this section only:

(a) "Club licensee" means an equity club licensee or fraternal club licensee.

(b) "Club licensee" does not include a dining club licensee or social club licensee.



- (2) (a) A club licensee shall have a governing body that:
  - (i) consists of three or more members of the club; and
  - (ii) holds regular meetings to:
    - (A) review membership applications; and
    - (B) conduct other business as required by the bylaws or house rules of the club.
- (b) (i) A club licensee shall maintain a minute book that is posted currently by the club licensee.
- (ii) The minute book required by this Subsection (2) shall contain the minutes of a regular or special meeting of the governing body.
- (3) A club licensee may admit an individual as a member only on written application signed by the person, subject to:
  - (a) the person paying an application fee; and
  - (b) investigation, vote, and approval of a quorum of the governing body.
- (4) A club licensee shall:
  - (a) record an admission of a member in the official minutes of a regular meeting of the governing body; and
  - (b) whether approved or disapproved, file an application as a part of the official records of the club licensee.
- (5) The spouse of a member of a club licensee has the rights and privileges of the member:
  - (a) to the extent permitted by the bylaws or house rules of the club licensee; and
  - (b) except to the extent restricted by this title.
- (6) A minor child of a member of a club licensee has the rights and privileges of the member:
  - (a) to the extent permitted by the bylaws or house rules of the club licensee; and
  - (b) except to the extent restricted by this title.
- (7) A club licensee shall maintain:
  - (a) a current and complete membership record showing:
    - (i) the date of application of a proposed member;
    - (ii) a member's address;
    - (iii) the date the governing body approved a member's admission;
    - (iv) the date initiation fees and dues are assessed and paid; and
    - (v) the serial number of the membership card issued to a member;
  - (b) a membership list; and
  - (c) a current record indicating when a member is removed as a member or resigns.
- (8) (a) A club licensee shall have bylaws or house rules that include provisions respecting the following:
  - (i) standards of eligibility for members;
  - (ii) limitation of members, consistent with the nature and purpose of the club;
  - (iii) the period for which dues are paid, and the date upon which the period expires;
  - (iv) provisions for removing a member from the club membership for the nonpayment of dues or other cause;
  - (v) provisions for guests; and
  - (vi) application fees and membership dues.

(b) A club licensee shall maintain a current copy of the club licensee's current bylaws and current house rules.

(c) A club licensee shall maintain its bylaws or house rules, and any amendments to those records, on file with the department at all times.

(9) A club licensee may, in its discretion, allow an individual to be admitted to or use the club licensed premises as a guest subject to the following conditions:

(a) the individual is allowed to use the club licensee premises only to the extent permitted by the club licensee's bylaws or house rules;

(b) the individual shall be previously authorized by a member of the club who agrees to host the individual as a guest into the club;

(c) the individual has only those privileges derived from the individual's host for the duration of the individual's visit to the club licensee premises; and

(d) a club licensee or staff of the club licensee may not enter into an agreement or arrangement with a club member to indiscriminately host a member of the general public into the club licensee premises as a guest.

(10) Notwithstanding Subsection (9), an individual may be allowed as a guest in a club licensed premises without a host if:

(a) (i) the club licensee is an equity club licensee; and

(ii) the individual is a member of an equity club licensee that has reciprocal guest privileges with the equity club licensee for which the individual is a guest;

(b) (i) the club licensee is a fraternal club licensee; and

(ii) the individual is a member of the same fraternal organization as the fraternal club licensee for which the individual is a guest; or

(c) (i) the club licensee is a fraternal club licensee that holds the fraternal club license on July 1, 2013;

(ii) the club licensee's bylaws permit guests in the club licensed premises without a host except that a minor may not be admitted as a guest without a host; and

(iii) the club licensee maintains 60% of its total club business from the sale of food, not including mix for alcoholic products, or service charges.

(11) Unless the patron is a member or guest, a club licensee may not:

(a) sell, offer for sale, or furnish an alcoholic product to the patron; or

(b) allow the patron to be admitted to or use the licensed premises.

(12) A minor may not be a member, officer, director, or trustee of a club licensee.

Amended by Chapter 349, 2013 General Session

**32B-6-408. Information obtained by investigator.**

(1) Subject to Subsection (2), if an investigator is permitted by another provision of this title to inspect a record of a club licensee, in addition to any other rights under this title, the investigator may inspect, have a copy of, or otherwise review any record of the club licensee that is a visual recording of the operations of the club licensee.

(2) An investigator who is a peace officer may not inspect, have a copy of, or otherwise review a visual recording described in Subsection (1) without probable cause.

Enacted by Chapter 276, 2010 General Session

**32B-6-409. Conversion from dining club license to different type of retail license.**

(1) In accordance with this section, a dining club licensee may convert its dining club license to a different type of retail license, including a different type of club license during the time period:

- (a) beginning on July 1, 2011; and
- (b) ending on June 30, 2013.

(2) A dining club licensee may convert its dining license only to a retail license for which the dining club licensee qualifies.

(3) The commission shall provide a procedure for a dining club to convert to a different type of retail license as provided in this section by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) After a dining club license is converted to another type of retail license, the retail licensee shall operate under the provisions relevant to the type of retail license held by the retail licensee, except that, in accordance with Section 32B-1-201, the retail license is not considered in determining the total number of licenses available for that type of retail license.

(5) If a dining club license is converted to full-service restaurant license, limited-service restaurant license, or beer-only restaurant license, the bar structure of the dining club is considered:

- (a) a seating grandfathered bar structure for purposes of a full-service restaurant license or a limited-service restaurant license; or
- (b) a grandfathered bar structure for purposes of a beer-only restaurant license.

Enacted by Chapter 334, 2011 General Session

**32B-6-501. Title.**

This part is known as "Airport Lounge License."

Enacted by Chapter 276, 2010 General Session

**32B-6-502. Definitions.**

As used in this chapter, "total passengers" means the number of total passengers in a calendar year that is reported in the most current comprehensive annual financial report for the airport in which an airport lounge is located.

Amended by Chapter 334, 2011 General Session

**32B-6-503. Commission's power to issue airport lounge license.**

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on its premises as an airport lounge licensee, the person shall first obtain an airport lounge license from the commission in accordance with this part.

(2) The commission may issue an airport lounge license to establish airport lounge licensed premises beyond the security point at an international airport and in the numbers the commission considers proper for the storage, sale, offer for sale,

furnishing, and consumption of an alcoholic product on licensed premises operated as an airport lounge.

(3) (a) The commission may not issue a total number of airport lounge licenses for an international airport that at any time exceed one airport lounge license for each 2,500,000 of total passengers at the international airport.

(b) Notwithstanding Subsection (3)(a), the commission may not reduce the total number of airport lounge licenses unless:

(i) the commission determines that the number of total passengers is reduced by more than 25% from the last day on which the commission determined the total number of airport lounge licenses allowed for that international airport under this Subsection (3); and

(ii) the reduction can be accomplished without the international airport terminating a lease for an airport lounge before:

(A) the expiration of the lease;

(B) the airport lounge undergoes a change of ownership; or

(C) the airport lounge ceases operations.

Amended by Chapter 334, 2011 General Session

**32B-6-504. Specific licensing requirements for airport lounge license.**

(1) To obtain an airport lounge license, in addition to complying with Chapter 5, Part 2, Retail Licensing Process, a person shall submit with the written application:

(a) both the written consent of the local authority and the written consent of the airport authority; and

(b) a copy of the sign proposed to be used by the airport lounge licensee on its licensed premises to inform the public that alcoholic products are sold and consumed on the licensed premises.

(2) (a) An airport lounge license expires on October 31 of each year.

(b) To renew a person's airport lounge license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(3) (a) The nonrefundable application fee for an airport lounge license is \$300.

(b) The initial license fee for an airport lounge license is \$8,000.

(c) The renewal fee for an airport lounge license is \$6,000.

(4) The bond amount required for an airport lounge license is the penal sum of \$10,000.

(5) An airport lounge license is not subject to the proximity requirements of Section 32B-1-202.

Amended by Chapter 334, 2011 General Session

**32B-6-505. Specific operational requirements for an airport lounge license.**

(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an airport lounge licensee and staff of the airport lounge licensee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- (i) an airport lounge licensee;
- (ii) individual staff of an airport lounge licensee; or
- (iii) both an airport lounge licensee and staff of the airport lounge licensee.

(2) In addition to complying with Subsection 32B-5-301(3), an airport lounge licensee shall display in a prominent place in the airport lounge:

(a) a list of the types and brand names of liquor being furnished through airport lounge licensee's calibrated metered dispensing system; and

(b) a sign to inform the public that alcoholic products are sold and consumed on the licensed premises.

(3) Notwithstanding Section 32B-5-307:

(a) An airport lounge licensee may not permit a patron to bring a bottled wine onto the premises of the retail licensee.

(b) An airport lounge licensee may not permit a patron to remove an alcoholic product from the licensed premises.

(4) (a) A server of an alcoholic product in an airport lounge licensee's premises shall make a written beverage tab for each table or group that orders or consumes an alcoholic product on the premises.

(b) A beverage tab required by this Subsection (4) shall list the type and amount of an alcoholic product ordered or consumed.

(5) An airport lounge licensee may not sell, offer for sale, or furnish an alcoholic product at an airport lounge on any day during a period that:

- (a) begins at midnight; and
- (b) ends at 7:59 a.m.

(6) (a) Subject to the other provisions of this Subsection (6), a patron may not have more than two alcoholic products of any kind at a time before the patron.

(b) A patron may not have two spirituous liquor drinks before the patron if one of the spirituous liquor drinks consists only of the primary spirituous liquor for the other spirituous liquor drink.

(c) An individual portion of wine is considered to be one alcoholic product under this Subsection (6).

(7) An airport lounge licensee may state in a food or alcoholic product menu a charge or fee made in connection with the sale, furnishing, or consumption of liquor menu including:

- (a) a set-up charge;
- (b) a service charge; or
- (c) a chilling fee.

(8) An airport lounge liquor licensee's premises may not be leased for a private event.

Enacted by Chapter 276, 2010 General Session

**32B-6-601. Title.**

This part is known as "On-premise Banquet License."

Enacted by Chapter 276, 2010 General Session

**32B-6-602. Definitions.**

Reserved

Enacted by Chapter 276, 2010 General Session

**32B-6-603. Commission's power to issue on-premise banquet license --  
Contracts as host.**

(1) (a) Before a person may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product in connection with the person's banquet and room service activities at one of the following, the person shall first obtain an on-premise banquet license in accordance with this part:

- (i) a hotel;
- (ii) a resort facility;
- (iii) a sports center; or
- (iv) a convention center.

(b) This part does not prohibit an alcoholic product on the premises of a person listed in Subsection (1)(a) to the extent otherwise permitted by this title.

(c) This section does not prohibit a person who applies for an on-premise banquet license to also apply for a package agency if otherwise qualified.

(2) The commission may issue an on-premise banquet license to establish on-premise banquet licensees in the numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product at a banquet or as part of room service activities operated by an on-premise banquet licensee.

(3) Subject to Section 32B-1-201, the commission may not issue a total number of on-premise banquet licenses that at any time exceed the number determined by dividing the population of the state by 30,000.

(4) Pursuant to a contract between the host of a banquet and an on-premise banquet licensee:

(a) the host of the banquet may request an on-premise banquet licensee to provide an alcoholic product served at the banquet; and

(b) an on-premise banquet licensee may provide an alcoholic product served at the banquet.

(5) At a banquet, an on-premise banquet licensee may furnish an alcoholic product:

(a) without charge to a patron at a banquet, except that the host of the banquet shall pay for an alcoholic product furnished at the banquet; or

(b) with a charge to a patron at the banquet.

Amended by Chapter 334, 2011 General Session

**32B-6-604. Specific licensing requirements for an on-premise banquet license.**

(1) To obtain an on-premise banquet license a person shall comply with Chapter

5, Part 2, Retail Licensing Process.

(2) (a) An on-premise banquet license expires on October 31 of each year.

(b) To renew a person's on-premise banquet license, a person shall comply with the requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(3) (a) The nonrefundable application fee for an on-premise banquet license is \$300.

(b) The initial license fee for an on-premise banquet license is \$750.

(c) The renewal fee for an on-premise banquet license is \$750.

(4) The bond amount required for an on-premise banquet license is the penal sum of \$10,000.

(5) Notwithstanding the other provisions of this part, if an applicant is a state agency or political subdivision of the state it is not required to:

(a) pay an application fee, initial license fee, or renewal fee;

(b) obtain the written consent of the local authority;

(c) submit a copy of the applicant's current business license; or

(d) post a bond as specified by Section 32B-5-204.

(6) Notwithstanding Subsection 32B-5-303(3), the department may approve an additional location in or on the licensed premises of an on-premise banquet licensee from which the on-premise banquet licensee may store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product that is not included in its original application only:

(a) upon proper application by an on-premise banquet licensee; and

(b) in accordance with guidelines approved by the commission.

Amended by Chapter 334, 2011 General Session

**32B-6-605. Specific operational requirements for on-premise banquet license.**

(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an on-premise banquet licensee and staff of the on-premise banquet licensee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) an on-premise banquet licensee;

(ii) individual staff of an on-premise banquet licensee; or

(iii) both an on-premise banquet licensee and staff of the on-premise banquet licensee.

(2) An on-premise banquet licensee shall comply with Subsections 32B-5-301(4) and (5) for the entire premises of the hotel, resort facility, sports center, or convention center that is the basis for the on-premise banquet license.

(3) (a) For the purpose described in Subsection (3)(b), an on-premise banquet licensee shall provide the department with advance notice of a scheduled banquet in accordance with rules made by the commission.

(b) Any of the following may conduct a random inspection of a banquet:

(i) an authorized representative of the commission or the department; or

(ii) a law enforcement officer.

(4) (a) An on-premise banquet licensee is not subject to Section 32B-5-302, but shall make and maintain the records the commission or department requires.

(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (4).

(5) (a) Except as otherwise provided in this title, an on-premise banquet licensee may sell, offer for sale, or furnish an alcoholic product at a banquet only for consumption at the location of the banquet.

(b) A host of a banquet, a patron, or a person other than the on-premise banquet licensee or staff of the on-premise banquet licensee, may not remove an alcoholic product from the premises of the banquet.

(c) Notwithstanding Section 32B-5-307, a patron at a banquet may not bring an alcoholic product into or onto, or remove an alcoholic product from the premises of a banquet.

(6) (a) An on-premise banquet licensee may not leave an unsold alcoholic product at the banquet following the conclusion of the banquet.

(b) At the conclusion of a banquet, an on-premise banquet licensee shall:

(i) destroy an opened and unused alcoholic product that is not saleable, under conditions established by the department; and

(ii) return to the on-premise banquet licensee's approved locked storage area any:

(A) opened and unused alcoholic product that is saleable; and

(B) unopened container of an alcoholic product.

(c) Except as provided in Subsection (6)(b) with regard to an open or sealed container of an alcoholic product not sold or consumed at a banquet, an on-premise banquet licensee:

(i) shall store the alcoholic product in the on-premise banquet licensee's approved locked storage area; and

(ii) may use the alcoholic product at more than one banquet.

(7) Notwithstanding Section 32B-5-308, an on-premise banquet licensee may not employ a minor to sell, furnish, or dispense an alcoholic product in connection with the on-premise banquet licensee's banquet and room service activities.

(8) An on-premise banquet licensee may not sell, offer for sale, or furnish an alcoholic product at a banquet or in connection with room service any day during a period that:

(a) begins at 1 a.m.; and

(b) ends at 9:59 a.m.

(9) An on-premise banquet licensee shall maintain at least 50% of its total annual banquet gross receipts from the sale of food, not including:

(a) mix for an alcoholic product; and

(b) a charge in connection with the furnishing of an alcoholic product.

(10) (a) Subject to the other provisions of this Subsection (10), a patron may not have more than two alcoholic products of any kind at a time before the patron.

(b) A patron may not have more than one spirituous liquor drink at a time before the patron.

(c) An individual portion of wine is considered to be one alcoholic product under



Subsection (10)(a).

(11) (a) An on-premise banquet licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product.

(b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product shall complete an alcohol training and education seminar.

(12) A staff person of an on-premise banquet licensee shall remain at the banquet at all times when an alcoholic product is sold, offered for sale, furnished, or consumed at the banquet.

(13) (a) Room service of an alcoholic product to a guest room of a hotel or resort facility shall be provided in person by staff of an on-premise banquet licensee only to an adult guest in the guest room.

(b) An alcoholic product may not be left outside a guest room for retrieval by a guest.

Amended by Chapter 307, 2011 General Session

Amended by Chapter 334, 2011 General Session

**32B-6-701. Title.**

This part is known as "On-premise Beer Retailer License."

Enacted by Chapter 276, 2010 General Session

**32B-6-702. Definitions.**

As used in this part, "recreational amenity" is defined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. A rule made under this section shall define "recreational amenity" to be one or more of the following or an activity substantially similar to one of the following:

- (1) a billiard parlor;
- (2) a pool parlor;
- (3) a bowling facility;
- (4) a golf course;
- (5) miniature golf;
- (6) a golf driving range;
- (7) a tennis club;
- (8) a sports facility that hosts professional sporting events and has a seating capacity equal to or greater than 6,500;
- (9) a concert venue that has a seating capacity equal to or greater than 6,500;
- (10) one of the following if owned by a government agency:
  - (a) a convention center;
  - (b) a fair facility;
  - (c) an equestrian park;
  - (d) a theater; or
  - (e) a concert venue;
- (11) an amusement park:
  - (a) with one or more permanent amusement rides; and
  - (b) located on at least 50 acres;

- (12) a ski resort;
- (13) a venue for live entertainment if the venue:
  - (a) is not regularly open for more than five hours on any day;
  - (b) is operated so that food is available whenever beer is sold, offered for sale, or furnished at the venue; and
  - (c) is operated so that no more than 15% of its total annual receipts are from the sale of beer; or
- (14) concessions operated within the boundary of a park administered by the:
  - (a) Division of Parks and Recreation; or
  - (b) National Parks Service.

Amended by Chapter 2, 2011 Special Session 2

**32B-6-703. Commission's power to issue on-premise beer retailer license.**

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of beer on the premises as an on-premise beer retailer, the person shall first obtain an on-premise beer retailer license from the commission in accordance with this part.

(2) (a) The commission may issue an on-premise beer retailer license to establish on-premise beer retailer licensed premises at places and in numbers as the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of beer on premises operated as an on-premise beer retailer.

(b) At the time that the commission issues an on-premise beer retailer license, the commission shall designate whether the on-premise beer retailer is a tavern.

(c) The commission may change its designation of whether an on-premise beer retailer is a tavern in accordance with rules made by the commission.

(d) (i) In determining whether an on-premise beer retailer is a tavern, the commission shall determine whether the on-premise beer retailer will engage primarily in the retail sale of beer for consumption on the establishment's premises.

(ii) In making a determination under this Subsection (2)(d), the commission shall consider:

(A) whether the on-premise beer retailer will operate as one of the following:

- (I) a beer bar;
- (II) a parlor;
- (III) a lounge;
- (IV) a cabaret; or
- (V) a nightclub;

(B) if the on-premise beer retailer will operate as described in Subsection

(2)(d)(ii)(A):

- (I) whether the on-premise beer retailer will sell food in the establishment; and
- (II) if the on-premise beer retailer sells food, whether the revenue from the sale of beer will exceed the revenue of the sale of food;
- (C) whether full meals including appetizers, main courses, and desserts will be served;
- (D) the square footage and seating capacity of the premises;
- (E) what portion of the square footage and seating capacity will be used for a

dining area in comparison to the portion that will be used as a lounge or bar area;

(F) whether the person will maintain adequate on-premise culinary facilities to prepare full meals, except a person that is located on the premises of a hotel or resort facility may use the culinary facilities of the hotel or resort facility;

(G) whether the entertainment provided on the premises of the beer retailer will be suitable for minors; and

(H) the beer retailer management's ability to manage and operate an on-premise beer retailer license including:

(I) management experience;

(II) past beer retailer management experience; and

(III) the type of management scheme that will be used by the beer retailer.

(e) On or after March 1, 2012:

(i) To be licensed as an on-premise beer retailer that is not a tavern, a person shall:

(A) maintain at least 70% of the person's total gross revenues from business directly related to a recreational amenity on or directly adjoining the licensed premises of the beer retailer; or

(B) have a recreational amenity on or directly adjoining the licensed premises of the beer retailer and maintain at least 70% of the person's total gross revenues from the sale of food.

(ii) The commission may not license a person as an on-premise beer retailer if the person does not:

(A) meet the requirements of Subsection (2)(e)(i); or

(B) operate as a tavern.

(iii) (A) A person licensed as an on-premise beer retailer that is not a tavern as of July 1, 2011 shall notify the department by no later than August 1, 2011, whether effective March 1, 2012, the person will seek to be licensed as a beer-only restaurant licensee, a tavern, or an on-premise beer retailer that meets the requirements of Subsection (2)(e)(i).

(B) If an on-premise beer retailer fails to notify the department as required by Subsection (2)(e)(iii)(A), the on-premise beer retailer's license expires as of February 29, 2012, and to operate as an on-premise beer retailer after February 29, 2012, the on-premise beer retailer is required to apply as a new licensee, and any bar or bar structure on the premises of an on-premise beer retailer license that is not a tavern and does not meet the requirements of Subsection (2)(e)(i) will not be grandfathered under Subsection 32B-6-902(1).

(iv) A person who, after August 1, 2011, applies for an on-premise beer retailer license that is not a tavern and does not meet the requirements of Subsection (2)(e)(i), may not have or construct facilities for the dispensing or storage of an alcoholic product that do not meet the requirements of Subsection 32B-6-905(12)(a)(ii).

(3) Subject to Section 32B-1-201:

(a) The commission may not issue a total number of on-premise beer retailer licenses that are taverns that at any time exceeds the number determined by dividing the population of the state by 54,147.

(b) The commission may issue a seasonal on-premise beer retailer license for a tavern in accordance with Section 32B-5-206.

- (4) (a) Unless otherwise provided in Subsection (4)(b):
- (i) only one on-premise beer retailer license is required for each building or resort facility owned or leased by the same person; and
  - (ii) a separate license is not required for each retail beer dispensing location in the same building or on the same resort premises owned or operated by the same person.
- (b) (i) Subsection (4)(a) applies only if each retail beer dispensing location in the building or resort facility operates in the same manner.
- (ii) If each retail beer dispensing location does not operate in the same manner:
- (A) one on-premise beer retailer license designated as a tavern is required for the locations in the same building or on the same resort premises that operate as a tavern; and
  - (B) one on-premise beer retailer license is required for the locations in the same building or on the same resort premises that do not operate as a tavern.

Amended by Chapter 2, 2011 Special Session 2

**32B-6-704. Local authority to issue a license.**

- (1) A local authority may issue a license to operate as an on-premise beer retailer, subject to:
- (a) the requirement under this part that a person obtain an on-premise beer retailer license issued by the commission to operate as an on-premise beer retailer; and
  - (b) subject to Title 11, Chapter 10, Businesses Allowing Consumption of an Alcoholic Product on Premises.
- (2) For a violation of this title, rules of the commission, or a local ordinance, a local authority may suspend or revoke a business license described in Subsection (1).
- (3) (a) If the commission suspends or revokes an on-premise beer retailer license issued by the commission under this title, the on-premise beer retailer may not continue to operate under a license issued by a local authority.
- (b) If a local authority suspends or revokes a business license described in Subsection (1), an on-premise beer retailer may not continue to operate under the on-premise beer retailer license issued by the commission.
- (4) A person issued a business license issued by a local authority as described in Subsection (1) shall comply with this title, including a provision related to the storage, sale, offer for sale, furnishing, consumption, warehousing, or distribution of beer.

Enacted by Chapter 276, 2010 General Session

**32B-6-705. Specific licensing requirements for on-premise beer retailer license.**

- (1) To obtain an on-premise beer retailer license a person shall comply with Chapter 5, Part 2, Retail Licensing Process, except that an on-premise beer retailer is required to carry dramshop insurance coverage in accordance with Section 32B-5-201 only if the on-premise beer retailer sells more than \$5,000 of beer annually.
- (2) (a) An on-premise beer retailer license expires on the last day of February each year.

(b) To renew a person's on-premise beer retailer license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than January 31.

(3) (a) The nonrefundable application fee for an on-premise beer retailer license is \$300.

(b) (i) The initial license fee for an on-premise beer retailer license that is not a tavern is \$300.

(ii) The initial license fee for an on-premise beer retailer license that is a tavern is \$1,500.

(c) (i) The renewal fee for an on-premise beer retailer license that is not a tavern is \$350.

(ii) The renewal fee for an on-premise beer retailer license that is a tavern is \$1,250.

(4) The bond amount required for an on-premise beer retailer license is the penal sum of \$5,000.

(5) Notwithstanding the other provisions of this part, if an applicant is a state agency or political subdivision of the state it is not required to:

(a) pay an application fee, initial license fee, or renewal fee;

(b) obtain the written consent of the local authority;

(c) submit a copy of the applicant's current business license; or

(d) post a bond as specified by Section 32B-5-204.

Amended by Chapter 2, 2011 Special Session 2

**32B-6-706. Specific operational requirements for on-premise beer retailer license.**

(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, an on-premise beer retailer and staff of the on-premise beer retailer shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) an on-premise beer retailer;

(ii) individual staff of an on-premise beer retailer; or

(iii) both an on-premise beer retailer and staff of the on-premise beer retailer.

(2) (a) An on-premise beer retailer is not subject to Section 32B-5-302, but shall make and maintain the records the department requires.

(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (2).

(3) Notwithstanding Section 32B-5-303, an on-premise beer retailer may not store or sell liquor on its licensed premises.

(4) Beer sold in a sealed container by an on-premise beer retailer may be removed from the on-premise beer retailer premises in the sealed container.

(5) (a) An on-premise beer retailer may not sell, offer for sale, or furnish beer at its licensed premises during a period that:

(i) begins at 1 a.m.; and

(ii) ends at 9:59 a.m.

(b) (i) Notwithstanding Subsection (5)(a), a tavern shall remain open for one hour after the tavern ceases the sale and furnishing of beer during which time a patron of the tavern may finish consuming a single serving of beer not exceeding 26 ounces.

(ii) A tavern is not required to remain open:

(A) after all patrons have vacated the premises; or

(B) during an emergency.

(6) Notwithstanding Section 32B-5-308, a minor may not be on the premises of a tavern.

(7) (a) (i) An on-premise beer retailer may not purchase, acquire, possess for the purpose of resale, or sell beer except beer that the on-premise beer retailer lawfully purchases from:

(A) a beer wholesaler licensee; or

(B) a small brewer that manufactures the beer.

(ii) Violation of Subsection (7)(a)(i) is a class A misdemeanor.

(b) (i) If an on-premise beer retailer purchases beer under this Subsection (7) from a beer wholesaler licensee, the on-premise beer retailer shall purchase beer only from a beer wholesaler licensee who is designated by the manufacturer to sell beer in the geographical area in which the off-premise beer retailer is located, unless an alternate wholesaler is authorized by the department to sell to the off-premise beer retailer as provided in Section 32B-13-301.

(ii) Violation of Subsection (7)(b)(i) is a class B misdemeanor.

(8) A tavern shall comply with Section 32B-1-407.

Amended by Chapter 2, 2011 Special Session 2

**32B-6-707. Application of part to other retail license type.**

(1) A retail licensee who is not an on-premise beer retailer, but who sells, offers for sale, or furnishes beer pursuant to a different part under this chapter:

(a) may sell, offer for sale, or furnish beer without obtaining a separate on-premise beer retailer license from the commission; and

(b) shall comply with the operational requirements under this part that apply to an on-premise beer retailer, except when a requirement of this part is inconsistent with or less restrictive than an operational requirement under the relevant part under this chapter for the type of retail license.

(2) Failure of a retail licensee or staff of the retail licensee to comply with a requirement of this part may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(a) a retail licensee;

(b) individual staff of a retail licensee; or

(c) both a retail licensee and staff of the retail licensee.

Enacted by Chapter 276, 2010 General Session

**32B-6-708. Information obtained by investigator.**

(1) Subject to Subsection (2), if an investigator is permitted by another provision of this title to inspect a record of an on-premise beer retailer that is a tavern, in addition

to any other rights under this title, the investigator may inspect, have a copy of, or otherwise review any record of the tavern that is a visual recording of the operations of the tavern.

(2) An investigator who is a peace officer may not inspect, have a copy of, or otherwise review a visual recording described in Subsection (1) without probable cause.

Enacted by Chapter 276, 2010 General Session

**32B-6-801. Title.**

This part is known as "Reception Center License."

Enacted by Chapter 334, 2011 General Session

**32B-6-802. Definitions.**

Reserved

Enacted by Chapter 334, 2011 General Session

**32B-6-803. Commission's power to issue reception center license.**

(1) Before a person may store, sell, offer for sale, or furnish an alcoholic product on its premises as a reception center, the person shall first obtain a reception center license from the commission in accordance with this part.

(2) The commission may issue a reception center license to establish reception center licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of an alcoholic product on premises operated as a reception center.

(3) Subject to Section 32B-1-201, the commission may not issue a total number of reception center licenses that at any time exceeds the number determined by dividing the population of the state by 56,313.

(4) The commission may not issue a reception center license for premises that do not meet the proximity requirements of Section 32B-1-202.

Enacted by Chapter 334, 2011 General Session

**32B-6-804. Specific licensing requirements for reception center license.**

(1) To obtain a reception center license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.

(2) (a) A reception center license expires on October 31 of each year.

(b) To renew a person's reception center license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than September 30.

(3) (a) The nonrefundable application fee for a reception center license is \$300.

(b) The initial license fee for a reception center license is \$750.

(c) The renewal fee for a reception center license is \$750.

(4) The bond amount required for a reception center license is the penal sum of \$10,000.

Enacted by Chapter 334, 2011 General Session

**32B-6-805. Specific operational requirements for a reception center license.**

(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a reception center licensee and staff of the reception center licensee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

- (i) a reception center licensee;
- (ii) individual staff of a reception center licensee; or
- (iii) both a reception center licensee and staff of the reception center licensee.

(2) In addition to complying with Section 32B-5-303, a reception center licensee shall store an alcoholic product in a storage area described in Subsection (15)(a).

(3) (a) For the purpose described in Subsection (3)(b), a reception center licensee shall provide the following with advance notice of a scheduled event in accordance with rules made by the commission:

- (i) the department; and
- (ii) the local law enforcement agency responsible for the enforcement of this title in the jurisdiction where the reception center is located.

(b) Any of the following may conduct a random inspection of an event:

- (i) an authorized representative of the commission or the department; or
- (ii) a law enforcement officer.

(4) (a) Except as otherwise provided in this title, a reception center licensee may sell, offer for sale, or furnish an alcoholic product at an event only for consumption at the reception center's licensed premises.

(b) A host of an event, a patron, or a person other than the reception center licensee or staff of the reception center licensee, may not remove an alcoholic product from the reception center's licensed premises.

(c) Notwithstanding Section 32B-5-307, a patron at an event may not bring an alcoholic product into or onto, or remove an alcoholic product from, the reception center.

(5) (a) A reception center licensee may not leave an unsold alcoholic product at an event following the conclusion of the event.

(b) At the conclusion of an event, a reception center licensee shall:

(i) destroy an opened and unused alcoholic product that is not saleable, under conditions established by the department; and

(ii) return to the reception center licensee's approved locked storage area any:

- (A) opened and unused alcoholic product that is saleable; and
- (B) unopened container of an alcoholic product.

(c) Except as provided in Subsection (5)(b) with regard to an open or sealed container of an alcoholic product not sold or consumed at an event, a reception center licensee:

- (i) shall store the alcoholic product in accordance with Subsection (2); and
- (ii) may use the alcoholic product at more than one event.



(6) Notwithstanding Section 32B-5-308, a reception center licensee may not employ a minor in connection with an event at the reception center at which food is not made available.

(7) A person's willingness to serve an alcoholic product may not be made a condition of employment as a server with a reception center licensee.

(8) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product at the licensed premises on any day during the period that:

- (a) begins at 1 a.m.; and
- (b) ends at 9:59 a.m.

(9) (a) A reception center licensee may not maintain in excess of 30% of its total annual receipts from the sale of an alcoholic product, which includes:

- (i) mix for an alcoholic product; or
- (ii) a charge in connection with the furnishing of an alcoholic product.

(b) A reception center licensee shall report the information necessary to show compliance with this Subsection (9) to the department on an annual basis.

(10) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product at an event at which a minor is present unless the reception center licensee makes food available at all times when an alcoholic product is sold, offered for sale, furnished, or consumed during the event.

(11) (a) Subject to the other provisions of this Subsection (11), a patron may not have more than two alcoholic products of any kind at a time before the patron.

(b) An individual portion of wine is considered to be one alcoholic product under Subsection (11)(a).

(12) (a) A reception center licensee shall supervise and direct a person involved in the sale, offer for sale, or furnishing of an alcoholic product.

(b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product shall complete an alcohol training and education seminar.

(13) A staff person of a reception center licensee shall remain at an event at all times when an alcoholic product is sold, offered for sale, furnished, or consumed at the event.

(14) A reception center licensee may not sell, offer for sale, or furnish an alcoholic product to a patron, and a patron may not consume an alcoholic product at a bar structure.

(15) Except as provided in Subsection (16), a reception center licensee may dispense an alcoholic product only if:

- (a) the alcoholic product is dispensed from an area that is:
  - (i) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the storage or dispensing of an alcoholic product are:
    - (A) not readily visible to a patron; and
    - (B) not accessible by a patron; and
  - (ii) apart from an area used:
    - (A) for staging; or
    - (B) as a lobby or waiting area;
- (b) the reception center licensee uses an alcoholic product that is:
  - (i) stored in an area described in Subsection (15)(a); or

- (ii) in an area not described in Subsection (15)(a) on the licensed premises and:
  - (A) immediately before the alcoholic product is dispensed it is in an unopened container;
  - (B) the unopened container is taken to an area described in Subsection (15)(a) before it is opened; and
  - (C) once opened, the container is stored in an area described in Subsection (15)(a); and
  - (c) any instrument or equipment used to dispense an alcoholic product is located in an area described in Subsection (15)(a).
- (16) A reception center licensee may dispense an alcoholic product from a mobile serving area that:
  - (a) is moved only by staff of the reception center licensee;
  - (b) is capable of being moved by only one individual; and
  - (c) is no larger than 6 feet long and 30 inches wide.
- (17) (a) A reception center licensee may not have an event on the licensed premises except pursuant to a contract between a third party host of the event and the reception center licensee under which the reception center licensee provides an alcoholic product sold, offered for sale, or furnished at an event.
  - (b) At an event, a reception center licensee may furnish an alcoholic product:
    - (i) without charge to a patron, except that the third party host of the event shall pay for an alcoholic product furnished at the event; or
    - (ii) with a charge to a patron at the event.
  - (c) The commission may by rule define what constitutes a "third-party host" for purposes of this Subsection (17) so that a reception center licensee and the third-party host are not owned by or operated by the same persons, except that the rule shall permit a reception center licensee to host an event for an immediate family member of the reception center licensee.
- (18) A reception center licensee shall have culinary facilities that are:
  - (a) adequate to prepare a full meal; and
  - (b) (i) located on the licensed premises; or
  - (ii) under the same control as the reception center licensee.
- (19) (a) Except as provided in Subsection (19)(b), a reception center licensee may not operate an event:
  - (i) that is open to the general public; and
  - (ii) at which an alcoholic product is sold or offered for sale.
- (b) A reception center licensee may operate an event described in Subsection (19)(a) if the event is hosted:
  - (i) at the reception center no more frequently than once a calendar year; and
  - (ii) by a nonprofit organization that is organized and qualified under Section 501(c), Internal Revenue Code.

Amended by Chapter 365, 2012 General Session

**32B-6-901. Title.**

This part is known as "Beer-only Restaurant License."

Enacted by Chapter 334, 2011 General Session

**32B-6-902. Definitions.**

(1) (a) As used in this part, "grandfathered bar structure" means a bar structure in a licensed premises of a beer-only restaurant licensee that:

(i) was licensed as an on-premise beer retailer as of August 1, 2011, and as of August 1, 2011:

(A) is operational;

(B) has facilities for the dispensing or storage of an alcoholic product that do not meet the requirements of Subsection 32B-6-905(12)(a)(ii); and

(C) in accordance with Subsection 32B-6-703(2)(e), notifies the department that effective March 1, 2012, the on-premise beer retailer licensee will seek to be licensed as a beer-only restaurant; or

(ii) is a bar structure grandfathered under Section 32B-6-409.

(b) "Grandfathered bar structure" does not include a grandfathered bar structure described in Subsection (1)(a) on or after the day on which a restaurant remodels the grandfathered bar structure, as defined by rule made by the commission.

(2) Subject to Subsection (1)(b), a grandfathered bar structure remains a grandfathered bar structure notwithstanding whether a restaurant undergoes a change of ownership.

Amended by Chapter 2, 2011 Special Session 2

**32B-6-903. Commission's power to issue beer-only restaurant license.**

(1) Before a person may store, sell, offer for sale, furnish, or allow the consumption of beer on its premises as a beer-only restaurant, the person shall first obtain a beer-only restaurant license from the commission in accordance with this part.

(2) (a) The commission may issue a beer-only restaurant license to establish beer-only restaurant licensed premises at places and in numbers the commission considers proper for the storage, sale, offer for sale, furnishing, and consumption of beer on premises operated as a beer-only restaurant.

(b) A person may not sell, offer for sale, furnish, or allow the consumption of liquor on the licensed premises of a beer-only restaurant licensee.

(3) (a) Only one beer-only restaurant license is required for each building or resort facility owned or leased by the same person.

(b) A separate license is not required for each beer-only restaurant license dispensing location in the same building or on the same resort premises owned or operated by the same person.

(4) (a) Except as provided in Subsection (4)(b) or (c), the commission may not issue a beer-only restaurant license for premises that do not meet the proximity requirements of Section 32B-1-202.

(b) With respect to the premises of a beer-only restaurant license issued by the commission that undergoes a change of ownership, the commission shall waive or vary the proximity requirements of Subsection 32B-1-202(2) in considering whether to issue a beer-only restaurant license to the new owner of the premises if:

(i) when a beer-only restaurant license was issued to a previous owner, the

premises met the proximity requirements of Subsection 32B-1-202(2);

(ii) the premises has had a beer-only restaurant license at all times since the beer-only restaurant license described in Subsection (4)(b)(i) was issued without a variance; and

(iii) the community location was located within the proximity requirements of Subsection 32B-1-202(2) after the day on which the beer-only restaurant license described in Subsection (4)(b)(i) was issued.

(c) The location of the licensed premises of an on-premise beer retailer who is licensed as of July 1, 2011, is grandfathered and not required to meet the proximity requirements of Section 32B-1-202 if the on-premise beer retailer obtains a beer-only restaurant license by not later than March 1, 2012. A location grandfathered under this Subsection (4)(c) is considered grandfathered notwithstanding that the beer-only restaurant license undergoes a change of ownership.

Enacted by Chapter 334, 2011 General Session

**32B-6-904. Specific licensing requirements for beer-only restaurant license.**

(1) To obtain a beer-only restaurant license a person shall comply with Chapter 5, Part 2, Retail Licensing Process.

(2) (a) A beer-only restaurant license expires the last day of February of each year.

(b) To renew a person's beer-only restaurant license, a person shall comply with the renewal requirements of Chapter 5, Part 2, Retail Licensing Process, by no later than January 31.

(3) (a) The nonrefundable application fee for a beer-only restaurant license is \$330.

(b) The initial license fee for a beer-only restaurant license is \$825.

(c) The renewal fee for a beer-only restaurant license is \$605.

(4) The bond amount required for a beer-only restaurant license is the penal sum of \$5,000.

Amended by Chapter 1, 2012 Special Session 4

**32B-6-905. Specific operational requirements for a beer-only restaurant license.**

(1) (a) In addition to complying with Chapter 5, Part 3, Retail Licensee Operational Requirements, a beer-only restaurant licensee and staff of the beer-only restaurant licensee shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(i) a beer-only restaurant licensee;

(ii) individual staff of a beer-only restaurant licensee; or

(iii) both a beer-only restaurant licensee and staff of the beer-only restaurant licensee.

(2) (a) A beer-only restaurant licensee on the licensed premises may not sell,

offer for sale, furnish, or allow consumption of liquor.

(b) Liquor may not be on the premises of a beer-only restaurant licensee except for use:

- (i) as a flavoring on a dessert; and
- (ii) in the preparation of a flaming food dish, drink, or dessert.

(3) In addition to complying with Section 32B-5-303, a beer-only restaurant licensee shall store beer in a storage area described in Subsection (12)(a).

(4) (a) An individual who serves beer in a beer-only restaurant licensee's premises shall make a written beverage tab for each table or group that orders or consumes an alcoholic product on the premises.

(b) A beverage tab required by this Subsection (4) shall list the type and amount of beer ordered or consumed.

(5) A person's willingness to serve beer may not be made a condition of employment as a server with a beer-only restaurant licensee.

(6) A beer-only restaurant licensee may sell, offer for sale, or furnish beer during the hours specified in Part 7, On-premise Beer Retailer License, for an on-premise beer retailer, except that a beer-only restaurant licensee may not sell, offer for sale, or furnish beer before 11:30 a.m. on any day.

(7) A beer-only restaurant licensee shall maintain at least 70% of its total restaurant business from the sale of food, which does not include a service charge.

(8) (a) A beer-only restaurant may not sell, offer for sale, or furnish beer except after the beer-only restaurant licensee confirms that the patron has the intent to order food prepared, sold, and furnished at the licensed premises.

(b) A beer-only restaurant shall maintain on the licensed premises adequate culinary facilities for food preparation and dining accommodations.

(9) A patron may not have more than two beers at a time before the patron.

(10) A patron may consume a beer only:

- (a) at:
  - (i) the patron's table;
  - (ii) a grandfathered bar structure; or
  - (iii) a counter; and
- (b) where food is served.

(11) (a) A beer-only restaurant licensee may not sell, offer for sale, or furnish a beer to a patron, and a patron may not consume an alcoholic product at a bar structure.

(b) Notwithstanding Subsection (11)(a), at a grandfathered bar structure, a patron who is 21 years of age or older may:

- (i) sit;
- (ii) be furnished a beer; and
- (iii) consume a beer.

(c) Except as provided in Subsection (11)(d), at a grandfathered bar structure, a beer-only restaurant licensee may not permit a minor to, and a minor may not:

- (i) sit; or
- (ii) consume food or beverages.

(d) (i) A minor may be at a grandfathered bar structure if the minor is employed by a beer-only restaurant licensee:

- (A) as provided in Subsection 32B-5-308(2); or

(B) to perform maintenance and cleaning services during an hour when the beer-only restaurant licensee is not open for business.

(ii) A minor may momentarily pass by a grandfathered bar structure without remaining or sitting at the bar structure en route to an area of a beer-only restaurant licensee's premises in which the minor is permitted to be.

(12) A beer-only restaurant licensee may dispense a beer only if:

(a) the beer is dispensed from an area that is:

(i) a grandfathered bar structure; or

(ii) separated from an area for the consumption of food by a patron by a solid, translucent, permanent structural barrier such that the facilities for the storage or dispensing of an alcoholic product are not readily visible to a patron, not accessible by a patron, and apart from an area used for dining, for staging, or as a lobby or waiting area;

(b) the beer-only restaurant licensee uses a beer that is:

(i) stored in an area described in Subsection (12)(a); or

(ii) in an area not described in Subsection (12)(a) on the licensed premises and:

(A) immediately before the beer is dispensed it is in an unopened container;

(B) the unopened container is taken to an area described in Subsection (12)(a) before it is opened; and

(C) once opened, the container is stored in an area described in Subsection (12)(a); and

(c) any instrument or equipment used to dispense the beer is located in an area described in Subsection (12)(a).

Amended by Chapter 353, 2013 General Session